

Public Hearing

A public hearing was held by the Mount Jackson Town Council on May 8, 2012 at 7:30 p.m. in Council Chambers at 5901 Main Street.

The purpose of the hearing was Ordinance O-04-2012 – An Ordinance to Amend Chapter 62 (Utilities) to Require Mandatory Connection to Town Water System and Allowing Certain Exceptions. Assistant Town Manager Draper explained the ordinance requiring mandatory connections. There were no comments from the public. The hearing was adjourned.

Regular Meeting May 8, 2012

The regular meeting of the Mount Jackson Town Council was held on May 8, 2012 immediately following the public hearing in Council Chambers at 5901 Main Street. Roll call was taken with the following in attendance: Joseph Williams, Mayor, Neil Fadely, J. Bucky Miller, Rodney Shepherd, and Kay P. Whetzel, Councilmembers. Absent: Kenneth Hackenbracht and Todd Holtzman. Also present: Doug Arthur, Town Attorney, Charles Moore, Town Manager, Clark Draper, Assistant Town Manager, Neil Showalter, Finance Director, and Judy Fultz, Clerk. Visitors present: Mike Ashley, Heather Ashley, Bonnie Frye, Rebecca Poole and children Aaron, Megan and Mattie, Gerald Forsburg, Tara Forsburg, Donna Wolfe, and several employees of Cargill.

Assistant Town Manager Draper stated the ordinance for Town of Mount Jackson adopting state motor vehicle laws should be added to the consent agenda. Item #1 under Old Business moved to next month meeting. Motion by Councilmember Whetzel and second by Councilman Fadely to move Item #1 – Ordinance O-03-2012, Amendment #1 – An Ordinance to Amend Sections 66-3 and 66-335 of the Code of the Town of Mount Jackson Regulating Signs to June 12, 2012 meeting.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Hackenbracht
“ Miller		“ Holtzman
“ Shepherd		
“ Whetzel		

4 AYE, 2 ABSENT, motion carried.

Councilman Fadely reported the banners for the visitors center are being ordered. Motion by Councilman Fadely and second by Councilman Miller that the banners be dedicated in memory of B. Daniel Proctor for all his dedication and service to the community.

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ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Hackenbracht
“ Miller		“ Holtzman
“ Shepherd		
“ Whetzel		

4 AYE, 2 ABSENT, motion carried.

Councilman Fadely reported the final size is the largest one, and there will be 32 images.

Councilman Shepherd stated compliments to Town staff on the newsletter. He stated they did an excellent job on the newsletter. It was informative, well laid out and well constructed.

Councilman Shepherd read the resolution in honor of Jeffrey Poole and presented the plaque to Rebecca Poole. Rebecca thanked everyone for their concerns.

Town Attorney Arthur commended the council and staff on the new council chambers.

Councilman Shepherd reported we have a budget and budget amendments for fiscal year 2012.

Councilmember Whetzel presented the police report for April, 2012. Criminal offenses reported: 3 Assault on Police Officer, 2 Destruction of Personal Property, 2 Disorderly Conduct, 2 Resisting Arrest, 1 Obstruction of Justice, 1 Intoxicated in Public, and 1 Larceny from Building all of which were cleared by arrest. Five citations have been issued for traveling the wrong way on King St. Auxiliary police put in 22.5 hours during the month. Foot patrol was done on Main St. 25 times with no open doors found.

There was a question about one-way traffic being changed to two-way on King St. Town Manager Moore stated VDOT will not let the Town reopen King St. to two-way traffic since the Veteran's memorial has been constructed. It was suggested to put a "Do Not Enter" sign at the corner of King St. and the alley.

Motion by Councilman Shepherd and second by Councilmember Whetzel to approve the consent agenda as amended consisting of: 1- Approval – Minutes of April 10, 2012 Regular Meeting, 2- Award of Bid Asbestos Removal at Community Center – Asbestco, 3- Approval to Establish Crime Prevention Fun, 4- Approval of Contract with Kennedy Konstruction to Construct Public Works Pole Building Within Limits of Adopted Budget, 5- Approval of Proclamation Declaring May Ruritan Month, and Set Public Hearing for Adoption of State Motor Vehicle Laws for June 12, 2012.

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ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Hackenbracht
“ Miller		“ Holtzman
“ Shepherd		
“ Whetzel		

4 AYE, 2 ABSENT, motion carried.

Motion by Councilman Shepherd and second by Councilman Miller to approve Ordinance O-04-2012 – An Ordinance to Amend Chapter 62 (Utilities) to Require Mandatory Connection to Town Water System and Allowing Certain Exceptions.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Hackenbracht
“ Miller		“ Holtzman
“ Shepherd		
“ Whetzel		

4 AYE, 2 ABSENT, motion carried.

Motion by Councilman Shepherd and second by Councilman Fadely to set a joint public hearing on June 4, 2012 at 7:00 p.m. for Special Use Permit Farmers Market – King Street.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Hackenbracht
“ Miller		“ Holtzman
“ Shepherd		
“ Whetzel		

4 AYE, 2 ABSENT, motion carried.

Motion by Councilman Fadely and second by Councilman Miller to set a joint public hearing on June 4, 2012 at 7:00 p.m. for Special Use Permit Farmers Market – 5450 Main Street.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Hackenbracht
“ Miller		“ Holtzman
“ Shepherd		
“ Whetzel		

4 AYE, 2 ABSENT, motion carried.

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Motion by Councilmember Whetzel and second by Councilman Fadely to set a joint public hearing on June 4, 2012 at 7:00 p.m. for Special Use Permit – Single Family Use in B-2 Zone. The condition of removal of signage on the property for the duration of non-commercial use.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Hackenbracht
“ Miller		“ Holtzman
“ Shepherd		
“ Whetzel		

4 AYE, 2 ABSENT, motion carried.

Motion by Councilman Shepherd and second by Councilmember Whetzel to schedule a special meeting for June 19, 2012 at 7:00 p.m. for adoption of budget.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Hackenbracht
“ Miller		“ Holtzman
“ Shepherd		
“ Whetzel		

4 AYE, 2 ABSENT, motion carried.

Motion by Councilman Fadely and second by Councilman Miller to set the organizational meeting for July 2, 2012 at 6:00 p.m.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Hackenbracht
“ Miller		
“ Shepherd		
“ Whetzel		

4 AYE, 2 ABSENT, motion carried.

Motion by Councilman Shepherd and second by Councilmember Whetzel to set a public hearing on June 12, 2012 at 7:30 p.m. on Resolution R-04-2012 Amending the Town's FY 2012 Annual Budget.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Hackenbracht
“ Miller		“ Holtzman
“ Shepherd		
“ Whetzel		

4 AYE, 2 ABSENT, motion carried.

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Motion by Councilman Shepherd and second by Councilman Miller to set a public hearing on June 12, 2012 at 7:30 p.m. on Ordinance O-05-2012 – Adopting Budgets for the General Fund, Utilities Funds, Capital Projects, and Equipment Replacement Funds; Establishing Real and Personal Tax Rates, Establishing Compensation Amounts/Rates, Setting Fees for Water, Sewer, Refuse Services, Auto License Tax, and Other Fees, Charges, Penalties, and Taxes, and Establishing Annual and Specific Appropriations for Fiscal Year 2013. The water and sewer rates have been adjusted. The minimum usage to be billed is 2000 gallons. There are about 350 customers with 2000 gallons or less usage.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Hackenbracht
“ Miller		“ Holtzman
“ Shepherd		
“ Whetzel		

4 AYE, 2 ABSENT, motion carried.

Motion by Councilman Fadely and second by Councilman Miller that the Council of the Town of Mount Jackson convene a closed session at 8:10 p.m. under the Virginia Freedom of Information Act under State Code Sect. 2.2-3711 (A)(7) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel requiring the provision of legal advice by such counsel and (A)(1) To discuss personnel involving specific officers or employees of the Town of Mount Jackson for the purpose of considering such individuals’ assignment, appointment, promotion, performance, demotion, salary, disciplining or resignation.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Hackenbracht
“ Miller		“ Holtzman
“ Shepherd		
“ Whetzel		

4 AYE, 2 ABSENT, motion carried.

Motion by Councilman Fadely and second by Councilman Miller to return to the regular meeting at 9:35 p.m.

ROLL CALL VOTE:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Councilman Fadely	None	Councilman Hackenbracht
“ Miller		“ Holtzman
“ Shepherd		
“ Whetzel		

4 AYE, 2 ABSENT, motion carried.

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Councilman Fadely stated the Council of the Town of Mount Jackson hereby certifies by roll call vote, that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were, heard, discussed or considered by the Council of the Town of Mount Jackson.

Vote: Fadely	So Certify
Miller	“ “
Shepherd	“ “
Whetzel	“ “
Williams	“ “

Ayes – 5, Nays – 0, Absent – 2.

Motion by Councilman Fadely and second by Councilman Miller to adjourn the meeting.
Motion carried.

CLERK

MAYOR

